

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17874 of 2019

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Tarni Das, aged about 60 years, Male, S/o Naro Das, Resident of Village-
Fariyatt Dih, P.S.-Chakai, District-Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary Department of Civil Supplies, Govt. of Bihar, Patna.
3. The Collector, Jamui.
4. The S.D.O., Jamui.
5. The Block Supply Officer, Block Chakai, District-Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shruti Sinha, Advocate.
For the Respondent/s : Mr. S. Raza Ahmad (AAG 5).

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 15-12-2023 Heard learned counsel for the parties.

2. The present Writ Petition has been filled for the
following reliefs:-

“.... for issuance of an appropriate writ /order or direction for quashing memo no. 1121 /Anu/Aa,dtd. 22.09.18 issued by S.D.O., Jamui whereby the P.D.S. Licence of the petitioner has been suspended and notice for its Cancellation has been issued order is Contained in Annexure-4 and for a further direction to the respondents to revoke suspension of P.D.S. licence the petitioner and also not Cancell the licence of the petitioner and for quashing of any adverse order passed against the petitioner Cancelling his P.D.S. licence during the pendency of this case.”

3. Learned counsel for the petitioner submits that the



solitary ground given in the show cause notice dated 22.09.2018 vide Memo No. 1121 for cancelling the PDS licence of the petitioner was that an First Information Report (F.I.R.) bearing Chakai P.S. Case No. 128 of 2018 had been instituted against the petitioner. Similarly, the impugned order has been passed on the sole ground of institution of the aforesaid FIR against the petitioner.

4. Learned counsel for the respondents appears and has been heard.

5. Having heard the parties and on consideration of the materials on record, this Court finds merit in the writ petition. A perusal of the PDS. (Control) Order, 2001 read with Rule 7 of the notification in G.S.R. No. 1 dated 20.02.2007 makes it clear that mere institution of a First Information Report would not constitute a valid ground for cancellation of the PDS licence. This view finds support from the decision of this Court in Umesh Ram vs. The State of Bihar and others, AIR 2014 Patna 113 as well.

6. In view of the above, the impugned order dated 22.09.2018 passed by the Sub-Divisional Officer, Jamui (Annexure-4) is set aside.

7. It is needless to say, supplies to the petitioner shall



be restored without delay.

8. It is made clear that, in case, the petitioner is subsequently convicted in the criminal case instituted against him, thereafter, the authorities are free to take necessary action in accordance with law.

9. With the above directions, the Writ Petition stands **allowed** to the extent indicated above.

(A. Abhishek Reddy , J)

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